From: Rodney Smith
To: Microsoft ATR
Date: 11/21/01 9:12am
Subject: Microsoft - Anti Trust (2nd Appendage)

Dear DOJ,

This eMail serves as an appendage of the first eMail sent 11/16/01 and second eMail sent 11/19/2001 (they are included after the following text).

I read in technology news that a aspect of a settlement with Microsoft involved the company supplying a billion dollars of Microsoft software to the dis-advantaged. I did not intend to get this involved with supplying suggestions but I feel very strongly that this type of rectification although expensive, works in Microsoft's favor. They are able to leverage this situation by extending the usage of its own software. My role is not to direct the legal situation, only to observe and maybe comment if the opportunity arises.

This current eMail is just my observation and note of dis-satisfaction.

Thank you for the opportunity to participate in such an important legal proceeding.

Sincerely,

A Concerned Citizen
(The first two emails follow...)

First Appendage

This eMail serves as an appendage of an original eMail sent 11/16/01 (which is included after the following text).

The previous message neglected to mention the browser issue. During the court proceedings under Judge Thomas Penfield Jackson, William Gates (as I have read in technology news) states he didn't know what a browser is. I take his statement to mean that there is no clear definition of a browser simply because his own software package can be found specifying the need for a browser. Further, tying in of his browser to the Windows OS is not as clear an issue as Microsoft has pressed. My experience with Windows and the accompanying browser lead me to understand that:

1) The browser technically has nothing to do with the OS.
2) The Internet has nothing to do with the OS.
3) Internet access and a browser are two separate things.

To explain the above declarations in simple terms. The browser that was originally created as a method of viewing information stored and accessed from the internet was later extended to the OS as a means of maintaining consistency of appearance and usage between the OS and the internet. To simplify further,

the code used for the browser and the code used for connecting/accessing the internet are two distinct components. Competing browser products as it relates to the internet are defrauded on the basis of underlying code that uses the Windows OS (now the primary use) browser to display internet information. Again, to simplify further, it is the internet access code that is the object of tying or commingling. It is this component that should be the focus of litigation.

To clarify why I chose to de-emphasize the technical merits of the browser with the OS (Windows) is that confusion arises from Microsoft's argument about the importance/difficulties of the browser. The browser as it stands today is important to Microsoft only as it relates to the importance that made the GUI (Graphical User Interface) a successful technology. However, my PERSONAL opinion is that this is contrived to a large degree. I PERSONALLY don't like the CONVENTION (browser as it relates to the OS) which is all it offers, in MY OPINION.

Original Message

First I would like to say that this legal proceeding must be handled with great care. It is very economically important to settle a case like this so everyone comes out ahead. It is obvious at this point that your expert opinion is that conduct provisions be established to bring about a beneficial SETTLEMENT.

I am a software developer. My experience with the technology/products in question lead me to conclude that conduct provision MAY be a sensible route to a reasonable out come. I must stress that technology is pushing forward and is requiring all software developers to use ever greater efforts to bring about products that are desirable. The comfort in the use of various technique matured during the 1980s that still serve as the building blocks for products in the year 2001. These building blocks have to advance in order to meet the needs of the current/next generation of software products. What I am specifically addressing is that Microsoft has advance EXPERIENCE in what ever technology it implements in its Windows OS. Competitors must struggle to implement new FEATURES provided in the Windows OS from the point of view of implementer. We all have to understand that Microsoft has invested money and effort to develop these new features, an intimate understanding of theory behind that technology thus exists. For those who are in competition with Microsoft to develop feature rich technologies timely exposure to privileged THEORY does not exist. Instead, while Microsoft has "the inside track" and is working on next years projects, the competition is just learning how the present features can and should be used.

All of this is said to emphasize that one critical element to this very important legal matter is that there has to be fair access to new developments within the key technology, WINDOWS. If there were a way to maintain a list of technology being implemented and detailed information on the theory behind it, everyone would be in the advantages situation of technical literacy behind "A" target technology (WINDOWS). If there is no efficient method to implement such a strategy then I must urge on this basis alone that the company (MICROSOFT) be divided into an OS (WINDOWS) company and an Application company, two totally distinct companies, no ties. At this point, if a division was used, I would suggest no further remedy.

If a division of the company was is not selected as a remedy for the Anti-trust case and a "fair sharing of technology is used", then I would also suggest that Microsoft be restricted from bundling "value added applets". Examples range from the simple, (Notepad, a simple text editor), to the more sophisticated (Instant Messaging, Video Editing, the Windows Media Player). These applets have no place under the title Operating System. They have no baring on the OS, they should all be omitted for (I'm no legal professional) legal simplicity. If however one decided not to pursue this aspect of this legality in this fashion, I then suggest at the least, competitors be allowed prominent accessibility/exposure to the OS (WINDOWS) consumer. An prominently exposed method to "use" or "try" a competitor's product should be available. This equal accessible method might encapsulate ALL competitor products to provide a clear distinction between what is "a part of Windows" and what is offered as an alternative. These alternatives would be included with the Windows OS with respect to competitor participation.

This proposal for the Microsoft - DOJ, Anti Trust case is offered as a suggestion(s)

Sincerely,

A Concerned Citizen